



## UNDERGROUND STORAGE TANK CLEANUP FUND

# COMMINGLED PLUME ACCOUNT

## FACT SHEET

### **GENERAL:**

The Commingled Plume Account (CPA) Program was created to encourage and assist responsible parties in coordinating cleanup efforts where commingled plumes exist. A “commingled plume” means the condition that exists when groundwater contaminated with petroleum from two or more discrete unauthorized releases have mixed or encroached upon one another to the extent that the corrective action performed on one plume will necessarily affect the other. The CPA Program receives an annual \$10,000,000 appropriation. Maximum available per CPA claim filed on or before December 31, 2014 is \$1.5 million per eligible occurrence less collective deductibles and costs recovered under individual Underground Storage Tank (UST) Cleanup Fund (Fund) claims. Maximum available per CPA claim filed on or after January 1, 2015 is \$1 million per eligible occurrence less collective deductibles and costs recovered under individual Fund claims.

### **ELIGIBILITY REQUIREMENTS:**

A joint claim for reimbursement of corrective action costs for a commingled plume is eligible for reimbursement if all of the following conditions are met:

1. Each person named in the joint claim is an owner, operator, or other responsible party ordered to perform corrective action or remedial action. (Health & Safe. Code (H&SC), § 25299.93(a)(1).)
2. After performing a soil and water investigation in accordance with Article 11 of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations, the joint claimants must demonstrate to the satisfaction of the local or regulatory agency and the State Water Resources Control Board (State Water Board) that a commingled plume exists and that every identified unauthorized release or discharge has contributed substantially to the commingled plume. (H&SC, § 25299.93(a)(2).)
3. At least 85 percent of the plume is comprised of petroleum contamination resulting from an unauthorized release from a tank whose owner or operator is eligible for payment of a claim pursuant to Section 25299.54 of the H&SC. (H&SC, § 25299.93(a)(3).)
4. At least two contributing sites involve an unauthorized release. (H&SC, § 25299.93(a)(4).)
5. The joint claimants have coordinated corrective action as soon as practicable. (H&SC, § 25299.93(a)(5).)
6. The joint claimants agree to seek pre-approval of corrective action costs in accordance with subdivision (c) of Section 25299.57 of the H&SC. (H&SC, § 25299.93(a)(6).)
7. The joint claimants must have entered into a written agreement that provides for a coordinated corrective action plan. The written agreement shall require the joint claimants to do the following: (H&SC, § 25299.93 (a)(7).)
  - Select an appointed representative
  - Allow access to other sites
  - Provide an estimation of responsibility
  - Disclosure of costs incurred
  - Disclosure of money from other resources

**FACT SHEET****CPA APPLICATION ELIGIBILITY PROCESS:**

An application process is used to determine eligible projects. All interested parties seeking CPA funding are required to complete and submit a CPA application.

An application to the CPA requires:

1. A CPA Application signed by all the joint claimants. The application must provide the information and documentation necessary for the Fund to determine that the claim meets all of the statutory conditions for reimbursement of eligible costs contained in Chapter 6.75, Article 11 (commencing with Section 25299.90) of the H&SC.
2. A separate Fund application for each of the UST owners or operators eligible for reimbursement under an individual Fund claim.
3. Confirmation from the local or regulatory agency that a commingled plume exists.
4. A written agreement which complies with paragraph (7) of subdivision (a) of Section 25299.93 of the H&SC.

**PRIORITY LIST AND FUNDING:**

Eligible CPA claims are placed on the CPA Priority List based on the date the CPA claim is determined to be complete. Funding is based on priority ranking and availability of funding. The State Water Board issues Letters of Commitment (LOC) to eligible CPA claimants. The LOC is used to encumber CPA funds on behalf of the CPA Claimants for the purpose of funding CPA site cleanup.

**FOR MORE INFORMATION:**

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